

Louis J. Knobbe\*  
Don W. Martens\*  
Gordon H. Olson\*  
James B. Bear  
Darrell L. Olson\*  
William B. Bunker  
William H. Nisman  
Arthur S. Rose  
James F. Losniak  
Ned A. Israelsen  
Drew S. Hamilton  
Jerry T. Sewell  
John B. Sganga, Jr.  
Edward A. Schfalter  
Geard von Hoffmann  
Joseph R. Re  
Catherine J. Holland  
John M. Carson  
Karen Vogel Well  
Andrew H. Simpson  
Jeffrey L. Van Hoosear  
Daniel E. Altman  
Marguerite L. Gunn  
Stephen C. Jensen  
Vito A. Canuso III  
William H. Shreve  
Lynde J. Zadra-Symest  
Steven J. Natavusky  
Paul A. Stewart  
Joseph F. Jennings  
Craig S. Summers  
AnneMarie Kaiser  
Brenton R. Babcock  
Thomas F. Smegal, Jr.  
Michael H. Tronholm  
Diane M. Reed  
Ronald J. Schoenbaum  
John R. King  
Frederick S. Barratta  
Nancy W. Venaku  
John P. Giezantanner  
Adeel S. Akhtar  
Ginger R. Dreger  
Thomas R. Arno  
David N. Weiss  
Daniel Hart, Ph.D.

Douglas G. Muehlhauser  
Lori Lee Yamblo  
Michael K. Friedland  
Dale C. Hunt, Ph.D.  
Richard E. Campbell  
Paul D. Tripodi II  
Stacey R. Malvern  
Lee W. Henderson, Ph.D.  
Mark M. Abumerl  
Jon W. Gurka  
John W. Holcomb  
Joseph M. Reisman, Ph.D.  
Michael L. Fuller  
Deborah S. Shepherd  
Eric M. Nelson  
Mark R. Benedict, Ph.D.  
Paul N. Canover  
Robert J. Roby  
Sabing H. Lee  
Kardine A. Delaney  
James J. Mullen III, Ph.D.  
Joseph S. Claffranchi  
William R. Zimmerman  
Glen L. Nuttall  
Eric S. Furman, Ph.D.  
Tirzah Abé Lowe  
Sanjivpal S. Gill  
Susan Moss Natland  
James W. Hill, M.D.  
Rose M. Thiessen, Ph.D.  
Michael A. Gulliana  
Mark J. Keriz  
Rabinder N. Narula  
Bruce S. Itchkawitz, Ph.D.  
Peter M. Midgley  
Thomas S. McClenahan  
Michael S. Okamoto  
John M. Grover  
Mallory K. De Merlier  
Irfan A. Laleef  
Sharon S. Ng  
Mark J. Gallagher, Ph.D.  
David G. Jankowski, Ph.D.  
Brian C. Horne  
Payson J. LeMelleur  
Shella N. Swaroop

# Knobbe Martens Olson & Bear LLP

Intellectual Property Law

550 West C Street  
Suite 1200  
San Diego CA 92101  
Tel 619-235-8550  
Fax 619-235-0176  
kmob.com

September 4, 2002  
3:23 PM

## CONFIRMATION COPY WILL FOLLOW VIA:

- ☐ MAIL
- ☐ INTERNATIONAL AIRMAIL
- ☐ COURIER
- ☐ E-MAIL
- ☒ WILL NOT FOLLOW
- ☐ HAND DELIVERY
- ☐ WITH ENCLOSURES
- ☐ WITHOUT ENCLOSURES

Ben A. Katzenellenbogen  
Linda H. Liu  
Andrew N. Merickel, Ph.D.  
Douglas T. Hudson  
David L. Hauser  
James F. Markenhoff  
Scott L. Murray  
Roger S. Shang  
Andrew M. Douglas  
Marc T. Morley  
Sallma A. Merani, Ph.D.  
Sam K. Tahmassebi, Ph.D.  
Christy L. Green  
Jalal Sadr  
Jonathan A. Hyman  
Curtiss C. Doelar  
Richard A. DeCristofaro  
Donna O. Perdue, Ph.D.  
Joseph J. Mallon, Ph.D.  
Thomas P. Krzeminski  
Jeffrey A. Birchak  
Sean M. Murray  
Jason P. Fiorillo  
Elenore Niu  
Valerio L. Bracken  
Johnfar F. Kerles  
Jeremy P. Sanders  
Perry D. Oldham  
Jerry L. Hefner, Ph.D.  
Russell M. Jelds  
Abraham W. Chuang  
Ryan N. Farr  
Pui Tong Ho  
Erik T. Anderson  
John L. Paik  
Eric K. Morton  
Jesse A. Rothwell  
Marc C. Baumgartner  
Ray B. Hom  
Danielle Klausner  
Kyle F. Schlueter  
Raphael A. Gunderrez  
Demian K. Jackson  
Nathan A. Engels  
Gregory A. Hermanson

Of Counsel  
Jerry R. Solter  
Paul C. Steinhardt

Japanese Patent Atty  
Katsuhiko Arai  
Tomohisa Sugiyama

European Patent Atty  
Marlin Hellebrandt

Korean Patent Atty  
Mincheol Kim  
Haungsoo Choi

Solicitor (England & Wales)  
J. David Evered

Scientific & Engineers  
(Non-Lawyers)

Raimond J. Salniks\*\*  
Khurram Rahman, Ph.D.  
Tommy Y. Nagata  
Chao S. Chereskin, Ph.D. --  
James W. Ausley\*\*  
Jennifer Hayes  
Kirk E. Pastorian, Ph.D. --  
Charles T. Ridgely  
Bonny Yeung, Ph.D.  
Connie C. Tong, Ph.D.  
Suzanne G. Jepson, Ph.D.  
David K. Wiggins  
Megan M. McCoy  
Nira M. Brand  
Catherine M. Sanders  
Jeffrey A. Hopkins  
Tiffany C. Miller  
James W. Chang, Ph.D.  
Marina J. Gorday, Ph.D.  
Ed DesJardins, Ph.D. --  
W. Frank Dauser  
Lang J. McHardy  
Karen J. Lenker  
Chris Westberg, Ph.D.  
Eric B. Ives, Ph.D.  
David C. Weber\*\*

\* A Professional Corporation  
† Also Barrister At Law (P. & M.)  
-- U.S. Patent Agent

## Facsimile Transmittal Sheet

### Confidentiality Notice:

The documents accompanying this facsimile transmission contain confidential information which may be legally privileged. The information is intended only for the use of the recipient named below. If you have received this facsimile in error, please immediately notify us by telephone to arrange for return of the original documents to us; any disclosure, copying, distribution or the taking of any action in reliance on the contents of this faxed information is strictly prohibited.

TO: Attn: Office of Petitions, Petitions Attorney Cliff Congo

FIRM: US Patent and Trademark Office

FACSIMILE NO.: 703 308-6916

FROM: Richard E. Campbell

CLIENT CODE: ENSEMB.038A

PAGES: 10 (INCLUDING THIS SHEET)

IF YOU DID NOT RECEIVE ALL OF THE PAGES, PLEASE CALL BACK IMMEDIATELY.

MESSAGE: Serial no. 09/938,216, filed on August 24, 2001.

S:\DOCS\REC\FAX\PTO PETITIONS.DOC\090402

FAX RECEIVED

SEP 04 2002

PETITIONS OFFICE

2040 Main Street  
1st Floor  
Irvine, CA 92614  
Tel 949-760-0404  
Fax 949-760-8502

201 California Street  
Suite 1150  
San Francisco CA 94111  
Tel 415-956-4114  
Fax 415-956-4111

1900 Avenue of the Stars  
Suite 1425  
Los Angeles CA 90067  
Tel 310-551-3450  
Fax 310-551-3458

3403 Tenth Street  
Suite 700  
Riverside CA 92501  
Tel 909-781-9231  
Fax 909-781-4507

1114 Marsh Street  
San Luis Obispo CA 93401  
Tel 805-547-3580  
Fax 805-547-3590

## PATENT

Case Docket No. ENSEMB.038A

Date: September 4, 2002

Page 1

In re application of : Arviv et al.  
App. No. : 09/938,216  
Filed : August 24, 2001  
For : ASYMMETRIC ADAPTIVE  
MODULATION IN A  
WIRELESS  
COMMUNICATION SYSTEM  
Examiner : Unassigned  
Art Unit : 2681

## CERTIFICATE OF FAX TRANSMISSION

I hereby certify that this correspondence and all marked attachments are being facsimile transmitted to the Patent and Trademark Office on the date shown below:

September 4, 2002

(Date)

  
Richard E. Campbell, Reg. No. 34,790

UNITED STATES PATENT AND TRADEMARK OFFICE  
P.O. Box 2327  
Arlington, VA 22202

FAX RECEIVED

SEP 04 2002

PETITIONS OFFICE


Sir:

Transmitted herewith in the above-identified application:

- (X) Request for Reconsideration of Petition under 37 CFR 1.47(a).
- (X) Declaration of Penny Efrain with signature, address and citizenship.
- (X) Declaration of David Gazelle with the corrections.
- (X) An extension of time to respond for 2 months is hereby requested.

Time Extension Fee: two months (\$400 large entity)

- (X) Charge \$400 to Deposit Account No. 11-1410.
- (X) Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.
- (X) Please use Customer No. 20,995 for the correspondence address.

  
Richard E. Campbell  
Registration No. 34,790  
Attorney of Record  
Customer No. 20,995